

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIS ADVANCED SOFTWARE SYSTEMS, LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC., RED BEND,
LTD., TIME WARNER INC.,
ICQ, INC., INSTALLSHIELD SOFTWARE
CORP.,
and
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

DEFENDANT'S MOTION TO AMEND SCHEDULING ORDER

Defendants Red Bend Software, Inc. and Red Bend Ltd. (collectively "Red Bend"), request that the Court enter a Third Amended Scheduling Order in the form attached hereto as Exhibit A. Red Bend notes that BIS's motion for reconsideration of the Court's March 22, 2006 Order (D.I. 68) and Red Bend's response to that motion (D.I. 72) are currently before the Court, and that resolution of the issues raised in those filings could eliminate the need for a further amended Scheduling Order. However, in the event that this case continues, amendment of the existing scheduling order is necessary to allow adequate time for discovery and motion practice.

If this case is not dismissed, the dates proposed in the attached Proposed Scheduling Order will be sufficient for completion of fact discovery, expert reports, and motion practice.

WHEREFORE, Red Bend respectfully requests that this Court entered the Proposed Third Amended Scheduling Order in the form attached as Exhibit A.

**RED BEND SOFTWARE, INC., RED BEND,
LTD.,**

/s/ Anastasia M. Fernands

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Dated: May 26, 2006

LOCAL RULE 7.1 CERTIFICATION AND CERTIFICATE OF SERVICE

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel hereby certifies that on Thursday, May 25, 2006, counsel for Defendants attempted to contact counsel for Plaintiff by telephone and left a voice-mail message concerning this motion. As of the time of filing this motion, Plaintiff's counsel had not responded to that message.

The undersigned further certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 26, 2006.

/s/ Anastasia M. Fernands

Anastasia M. Fernands